

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK I. SOKOLOW et al.,	:
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Plaintiffs,	:
	:
-against-	:
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THE PALESTINIAN LIBERATION ORGANIZATION	:
et al.,	:
Defendants.	:
	:
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04-CV-00397 (GBD)(RE)

ECF Case

DECLARATION OF DR. YEZID SAYIGH

DR. YEZID SAYIGH declares, pursuant to 28 U.S.C. §1746 as follows:

1. I am an internationally acknowledged expert in Palestinian politics and security matters, having developed this expertise over the course of thirty years in this field as a scholar, diplomat, consultant, and writer in these fields. As more fully set forth below, in the course of my professional career I have been commissioned to provide academic analysis and expert consultancy services in these fields by various government agencies such as the U.S. Department of State and the U.K.'s Department for International Development, by multilateral international organizations such as the World Bank and the European Commission, and by for-profit and non-profit think-tanks such as the RAND Corporation, Centra Technology and the International Institute for Strategic Studies. I spent the past twenty-one years of my academic career in full-time employment at the internationally-renowned University of Oxford, University of Cambridge, and King's College London, besides numerous visiting positions.

2. I submit this declaration at the request of the subpoenaed non-party the British

Broadcasting Corporation (“BBC”) to provide my professional opinions (i) in response to the opinions offered in the Declaration of Professor Barry Rubin (“Rubin Declaration”) and (ii) as to whether there are sources other than the statements in BBC interviews that are reasonably accessible to the public and address whether the al-Aqsa Martyrs Brigade (“AMB”) was one and the same as the Palestinian Authority (“PA”), Fateh and/or the Palestinian Liberation Organization (“PLO”) during the years 2000-2004.

BACKGROUND AND QUALIFICATIONS

3. I am a Senior Associate at the Carnegie Middle East Center, Beirut, Lebanon. My duties focus on conducting research and writing for public dissemination and engagement on current affairs, with a particular focus on the future political role of Arab armies, the resistance and reinvention of authoritarian regimes, and the Israel-Palestine conflict and peace process. The Center is part of the Carnegie Endowment for International Peace, headquartered in Washington D.C. I hold a doctorate from King’s College London, with which I remain affiliated and a bachelor’s degree from the American University of Beirut.

4. Until August 2011, I was Professor of Middle Eastern Studies at the Department of War Studies, School of Social Science & Public Policy, King’s College London. I remain affiliated with King’s College London. I previously held the position of Assistant Director of Studies at the Centre of International Studies, University of Cambridge, and of MacArthur Scholar and Research Fellow at St Antony’s College, University of Oxford.

5. I have additionally held numerous positions as a Visiting Professor, Scholar, or Fellow at numerous academic institutions worldwide, most notably including: Institut Barcelona d’Estudis Internacionals (Barcelona, Spain), Crown Center for Middle East Studies (Brandeis University), Center for Middle Eastern Studies (Harvard University), Centre d’Etudes et de

Recherches Internationales (Paris, France), School of Oriental and African Studies (London, UK), and Thomas Watson Institute for International Studies (Brown University). At these institutions I taught, researched, or wrote about “Middle East Armies: Political, Social, and Economic Roles and Impacts”, “Arab states: crisis and resilience”, “International Politics of the Middle East”, “Conflict, Security & Development”, “Approaches to War”, “Introduction to International Relations”, among other subjects.

6. As an academic I have provided numerous services to the professional community worldwide. I have acted as scientific referee providing academic assessments of research grant applications and/or book manuscripts for, inter alia: Cambridge University Press (UK), The Israel Science Foundation; Economic and Social Research Council (UK); Council for British Research in the Levant (UK); Agence nationale de recherche (France); United States Institute for Peace (Washington DC); Oxford University Press (New York). I have also served on selection committees for the Research and Writing Grants program of the John D. and Catherine T. MacArthur Foundation (Chicago), and for the Global Security & Cooperation Fellowship program of the Social Science Research Council (New York).

7. I was Director of the Middle East research programme at the International Institute for Strategic Studies in 1998-2003, and Academic Director of the Cambridge Programme for Security in International Society in 2003-2004. I have also served in various capacities in numerous policy institutes, including the Gulf Research Center (Dubai, UAE), Middle East Institute (New Delhi, India), Palestinian Center for Policy Surveys and Research (Ramallah, West Bank), Stockholm International Peace Research Institute (Stockholm), Carnegie Middle Center (Beirut, Lebanon), Institute of Developing Economies (Tokyo, Japan), International Institute for Strategic Studies (London, UK), Chemical and Biological Arms Control Institute (Alexandria,

VA), and British American Security Information Council (Washington D.C., and London, UK).

8. I have been an invited lecturer to the Naval Postgraduate School (Monterrey, CA) course for Middle East Foreign Area Officers, Royal College for Defence Studies (London, UK), Geneva Centre for Security Policy, Joint Analysis Center/US European Command (RAF Molesworth, UK), NATO European Security Cooperation Course/NATO School (Oberammergau, Germany), and National Defense Academy (Yokosuka, Japan). I have also been invited on several occasions to speak to closed workshops for the U.S. national intelligence community and to the Foreign Service Institute, Department of State (Washington D.C.). I lectured on the Palestinian-Israeli conflict and peace process, Arab civil-military relations, Palestinian politics, and Palestinian and/or Arab security sector reform.

9. In addition, I have provided consultancy services to the World Bank, United Nations Development Program, Department for International Development (UK), European Commission (Brussels, Belgium), Council on Foreign Relations (New York), Adam Smith Institute (London, UK), RAND Corporation, and the U.S. Department of State, among others. My consultancy services focused on assisting these international organizations and institutions with assessment and/or advice relating to Palestinian Authority reform programs and social and political “drivers-for-change” in the Palestinian Authority, preparation for the Palestinian-Israeli “permanent status negotiations,” building a successful and viable Palestinian state, and Palestinian security sector reform.

10. I have very extensive experience as a practitioner in the Palestinian-Israeli peace process extending over twenty years. I served as an advisor to the Palestinian delegation to the peace talks with Israel 1991-1993. I headed the Palestinian delegation to the multilateral Arab-Israeli peace talks group on “Arms Control and Regional Security” 1992-1994. I was a negotiator

in the Palestinian delegation to the peace talks with Israel following the Oslo Accords of September 1993, leading up to the May 1994 “Framework Agreement.” As part of the latter assignment I was also a member of the sub-group that drafted the Palestinian-Israeli Security Protocol that formed part of the May 1994 “Framework Agreement.” In that context I worked closely with the Palestine Liberation Organization (“the PLO”) generals who were part of the delegation or provided support to it.

11. Also to further the Palestinian-Israeli peace process, between 1999 and 2010 I provided consultancy assistance under contract to Adam Smith International (funded by the UK’s Department for International Development, the European Commission and other European governments or international organizations) to the Negotiations Support Unit of the PLO Negotiations Affairs Department. My duties included work on the security file, which entailed consultation with Palestinian Authority (“the PA”) security officials, officers, and ministers, as well with representatives of the Government of Israel (including the Deputy Minister of Defense, director and deputy-director of the National Security Council, and others).

12. In parallel I engaged in “Track-Two” meetings between Palestinians and Israelis starting in 1988 and until the early 2000s. This is a specific kind of informal diplomacy, in which non-officials (academics, former officers or officials, public figures, and social activists) from opposing sides engage in dialogue with the aim of conflict resolution, or confidence-building. One series of Track-Two meetings in which I took part involved former Palestinian and Israeli security officers and provided background to the secret “Oslo channel” talks, resulting in the publication of *Israeli-Palestinian Security: Issues in the Permanent Status Negotiations* by the host organization for these talks, the American Academy of Arts and Sciences (Cambridge MA, 1995). Narrative accounts of these various Track-Two meetings have also been published by Prof.

Shai Feldman (Brandeis University and the Kennedy School, Harvard University), and Mr Yossi Alpher (formerly the Jaffee Center for Strategic Studies, Tel Aviv University).

13. Since 1998 I have worked on Palestinian reform as a consultant to a wide variety of local and international governments bodies, international agencies, and research institutes. I was a principal author of the Report of the Independent Task Force on Strengthening Palestinian Public Institutions (Council on Foreign Relations, New York, 1999), commissioned by the European Commission and the Government of Norway. I was subsequently commissioned by the World Bank, U.S. Department of State, and Department for International Development (UK) to provide expert assistance on reform in the Palestinian Authority, and in recent years have repeatedly been called on to provide expertise on Palestinian security sector reform, for which purpose I have on repeated occasions interviewed numerous Palestinian security officers, officials of the Ministry of Interior, legal advisors, and successive ministers of the interior.

14. I am the author of what is regarded as the authoritative account of the PLO's military history until 1993: *Armed Struggle and the Search for State: The Palestinian National Movement, 1949-1993* (Oxford University Press, 1997). In the course of my research I conducted over 400 interviews with PLO leaders, officers, and personnel, and was allowed access to military archives at Arafat's headquarters in Tunis and PLO army headquarters in Cairo. The book has won several awards.

15. In the course of my professional careers as an academic and as a practitioner and consultant I have worked and written very extensively on Palestinian politics, military and security affairs, and organization. I have listed in Appendix A to this Declaration works I have authored on these subjects (in chronological order, starting with the most recent). Since 1991, I have written numerous op-eds and made on air media appearances, which have included CNN,

BBC and Fox, addressing Palestinian politics. In addition, I was a military affairs correspondent for a number of Arabic-language periodicals, focusing mainly on the Palestinian-Israeli conflict, in 1981-1993: Shu'un Filastiniyya, Rasd al-Idha'ah al-Isra'iliyya, al-Malaf, al-Ofok, al-Tadamon, and Istratijya.

16. In the course of researching the above publications and consultancy projects over the past thirty years I have interviewed over 1,000 Palestinian leaders, military commanders, government officials, security officers, professionals in various fields (economics, public finances, social affairs, law, education, etc), political activists, and opposition figures, as well as a significant number of Israeli officials and officers, international staff of government and development agencies and international financial institutions, and non-governmental organizations.

SUMMARY OF OPINIONS

Regarding Opinions in the Rubin Declaration

17. In my professional opinion, the Rubin Declaration presents an overly simplistic account of the complex and changing relationships between the Palestinian Authority, the Palestine Liberation Organization, Fateh, and/or the al-Aqsa Martyrs Brigades, and offers unsubstantiated assumptions that disregard current political realities, as will be detailed below (See ¶¶19-28). As a result, the opinions offered in the Rubin Declaration as to the likelihood that Abu Rumaileh or Zubaidi would volunteer or could be compelled for a deposition, either by an Israeli court or the PA, if the PA controlled them, should not be relied upon in determining whether it would be useful to pursue this course of action.

Regarding Reasonable Alternative Sources

18. I understand the Plaintiffs have represented that the statements of Zubaidi and Abu Rumaileh made to the BBC “are more probative on this issue [that Fateh and al-Aqsa are the same] than any other evidence which Plaintiff can reasonably procure.” (Plaintiffs Memorandum in Opposition to BBC’s Motion to Quash Subpoena and In Support of Plaintiff’s Motion to Compel, p. 14). In my professional opinion, there are an extremely large number of alternative sources, including original documents, addressing this issue that are reasonably accessible to the public and far more probative than the BBC’s interviews. Examples of some of those sources are detailed below. (See ¶¶29-40).

OPINIONS RELATING TO THE RUBIN DECLARATION

19. Based on my background, experience and expertise, it is my professional opinion that the opinions offered in the Rubin Declaration, particularly as to whether Abu Rumaileh and Zubaidi would volunteer or be compelled for a deposition, either through an Israeli court, or the PA, if the PA controls them, are based on faulty or speculative assumptions as detailed below. They should not be credited in determining whether it would be useful to attempt to compel their testimony.

20. The portrayal in the Rubin Declaration of “loyalty” in the PA/PLO dictating Zubaidi’s actions ignores the complex and changing relationships between the PA, the PLO, Fateh, and/or the AMB. (See Rubin Decl. ¶13). AMB militants may have been loyal to any or all of these in a general sense, but at the same time also challenged their authority when it was in their direct, immediate interest to do so. AMB militants such as Zubaidi repeatedly resorted to strong-arm tactics to compel Arafat and/or the PA to recognize their supremacy and impunity within localities such as Jenin, to release funds, or to repeal unwelcome measures such as the

appointment of unpopular local officials. For example, as shown on the BBC documentary, AMB militants under Zakaria Zubaidi's command kidnapped the acting Palestinian governor of Jenin for several hours in mid-July 2003, during which time he was beaten. So the suggestion that loyalty automatically and necessarily would preclude behavior by AMB militants that might have displeased the PA, the PLO, or Fateh does not hold true, particularly eight years after these statements were made.

21. The depiction in the Rubin Declaration of Fateh official Ata Abu Rumaileh as “enjoy[ing] support and protection of the PA and PLO” (Rubin Decl. ¶13) and therefore having “no reason to be concerned about an order issued by a court in Israel,” no longer holds true, if it ever did, because the PA does not have the last word here. Israel does. That depiction disregards completely that the Israeli Defense Forces (“IDF”) continue to enter PA-controlled cities at will to apprehend terror suspects and for other reasons, under standing arrangements with the PA, thereby lessening the influence of the PA in its controlled area of the West Bank. Were the IDF to enforce an order of an Israeli court against Rumaileh, the PA would not necessarily be in a position to stop it.

22. The Rubin Declaration opines that “Abu Rumaileh would not – and could not, *on pain of losing his position or suffering a worse fate* – testify in a case against the PA and PLO” (emphasis added), and that Zubaidi likewise would not be deposed in a “lawsuit against the PA and PLO seeking damages from a terrorist attack.”. (Rubin Decl. ¶13, 14). This assumes, without any basis, that what Abu Rumaileh, or Zubaidi would say if ultimately deposed, would be adverse to PA or PLO interests, or be viewed that way by Abu Rumaileh or Zubaidi. It moreover assumes that what is true of Zubaidi is also true of Abu Rumaileh, whereas each of them held different positions and engaged in different activities: Zubaidi was an armed AMB

militant who has still not received a full Israeli pardon despite being amnestied, whereas Abu Rumaileh was and remains the Secretary of the local Fateh branch and was not named in the amnesty agreement as he had not been implicated or indicted by Israel of armed conflict. The Rubin Declaration does not purport any familiarity with either of these men, or for that matter, with anything that may have occurred in the last two years, as it is dated in 2009.

23. Further to the statement about Abu Rumaileh “losing his position or suffering a worse fate,” my extensive familiarity with the historical record of Fateh, the PLO, and the PA fails to identify a single instance where a Palestinian official suffered that a “worse fate” for testifying – an act falling so far short of espionage. To the contrary, there are numerous instances of open defiance to Arafat and/or the PA or Fateh by their own members, let alone armed AMB militants, which did not lead to those individuals losing their positions let alone “suffering a worse fate.” For example, AMB militants have repelled by force PA police seeking to make arrests or impose public law and order in various parts of the West Bank without experiencing negative consequences. Such risk as there might be to Abu Rumaileh or Zubaidi would more likely take the form of social ostracism, or come from parties such as Hamas or other militants rather than from Fateh or the PA. Zubaidi has already been pilloried repeatedly by such parties for accepting the amnesty agreement in July 2007 and subsequently laying down his arms, but this has had no apparent effect on his statements or behaviour. So while I cannot assert that testifying would pose no risks, the categorical portrayal in the Rubin Declaration is not the case.

24. The opinion in the Rubin Declaration “that Israel would be extremely reluctant to take any step that might disrupt the amnesty agreement” (Rubin Decl. ¶16) distorts reality by portraying the issue as one in which the PA might retaliate by withdrawing from, or abrogating, an amnesty agreement that expressly favors it. Israel has the upper hand in this matter entirely,

and in its view gave the PA a major concession by agreeing to an amnesty for the fugitive AMB militants. Furthermore, the PA has been since 2007, and remains, under very serious constraints to demonstrate its adherence to its security obligations and to cooperation with Israel. This adherence survived the Israeli “Operation Cast Lead” in Gaza in Winter 2008-2009, the killing of Hamas militants by PA police in the West Bank city of Qalqilya on 4 June 2009, and other highly sensitive situations that could have been expected to prompt the PA to renege on its security commitments, but did not do so. It is therefore additionally inconceivable that the PA would risk the entire arrangement in protest against the issuing of an Israeli court order commanding Zubaidi to appear at a deposition.

25. The statement in the Rubin Declaration that “Zubaidi is dependent on the goodwill of the PA to ensure that his “wanted” status is not restored” (Rubin Decl. ¶15) likewise misconstrues the political realities in the West Bank. It is Israel, and Israel alone, that determines whether Zubaidi is on its “wanted” list or not, and Israel will not change his status from amnestied to wanted simply in order to please the PA. On the other hand, the amnesty is part of a larger agreement that the PA sought for its people to ensure its domestic legitimacy when the cessation of conflict was achieved between it and Israel. There would be no motivation for the PA to change the status of one person to wanted and risk damaging that legitimacy, since such action would lay it open to charges of “collusion” with Israel.

26. The argument in the Rubin Declaration that Zubaidi or other beneficiaries of the amnesty with Israel might “return to active terrorism” in response to the issuance of an Israeli court order (Rubin Decl. ¶16) is inconsistent with the available facts. It wholly disregards what is known about Zubaidi: in an interview with Israeli journalist Avi Issacharoff in April 2008, he expressed thorough despair and disillusionment with military action and with the PA/PLO. Avi

Issacharoff, “Marching toward total ruin,” Haaretz (April 2008)(Attached as Appendix B to this Declaration). Zubaidi has continued since the amnesty agreement to live in Jenin, the city to which he is generally confined under the amnesty agreement, unarmed and without bodyguard according to Israeli and other foreign-national journalists who have interviewed him in person, most recently in April 2011. See, e.g., Orly Castel-Bloom, “Lifestyle of the hunted and haunted” Haaretz (June 2011) <http://www.haaretz.com/print-edition/news/lifestyle-of-the-hunted-and-haunted-1.367764>; Gideon Levy, Twilight Zone / Mer's last show, Haaretz (April 2011), <http://www.haaretz.com/weekend/week-s-end/twilight-zone-mer-s-last-show-1.354849>; Joseph Krauss, “Weary West Bank fighters watch Gaza assault from afar”, Jordan Times (January 2009), <http://www.jordantimes.com/?news=13544>; Zubaidi has been permitted to leave Jenin temporarily by prior arrangement with Israel, as he did in 2008 to undergo eye surgery in Ramallah and in 2009 to attend a political conference in Bethlehem. There is no reason than to believe that he would resort to arms and risk almost certain death over an Israeli court order.

27. The Rubin Declaration also concludes that the PA would not voluntarily comply with an American court order regarding the compelled testimony of Abu Rumaileh or Zubaidi (Rubin Decl. ¶17). This argument ignores that the PA is a defendant in this American action and presumably is subject to orders of this American court. If the PA were in control of those individuals, they would be subject to an American order regarding their testimony.

28. It should be noted, as demonstrated above through the various press accounts, that Zubaidi has made himself accessible to non-Palestinians, including Israelis. It is not inconceivable that he could give evidence if interviewed in Jenin, as could Abu Rumaileh. Journalists, investors, and members of the international community and the U.S. consul regularly go to Jenin, which has been made into a showcase of the improved security and economic

situation of the Palestinian in the West Bank. In recognition of improved security in Jenin, Israel has allowed Arab citizens of Israel to resume going there for shopping and other commercial business. Civil litigants likewise could go to Jenin for their depositions, upon request to the interviewees or through a formal notification to the Palestinian Authority. Other places in the West Bank, such as Ramallah would also be safe places for these civil litigants to hold depositions of Zubaidi or Abu Rumaileh, who does not appear constrained by travel restrictions. Ramallah is the seat of the PA government and contains many foreign consulates and aid missions, as well as other foreign nationals who visit in their individual capacity.

OPINIONS RELATING TO ALTERNATE SOURCES

29. If Plaintiffs intend to prove that AMB is indistinguishable from Fateh or the PA, the most direct and obvious place to obtain such information is from the Defendants themselves.

30. However, there are an exceedingly large number of other sources that address whether there exists such an identity of organizations. Among these sources are:

- Documents seized by the IDF from Arafat's headquarters in Ramallah during its "Operation Defensive Shield" in April 2002
- Statements of Palestinians held in Israeli custody, their indictments, and/or court ruling
- Depositions of Palestinian prisoners held in Israeli custody, including the perpetrator of the 2004 attack which the Plaintiffs note.
- The Israel Security Agency website, which offers its own official assessment of the Fateh-AMB relationship.

31. First, the IDF seized a cache of documents, whose total number is estimated at 500,000,¹ from Arafat's headquarters compound in Ramallah, West Bank, and from other PA headquarters installations in seven out of the eight major cities under the control of the Palestinian Authority in the West Bank during its "Operation Defensive Shield" in April 2002. A

¹ Number of documents seized given in IMRA Newsletter – <http://www.kokhavivpublications.com/2002/israel/07/0207301518.html>

considerable representative sample of these documents - which address any relationships between AMB, Fateh and the PA/PLO - is accessible to the public in original Arabic and as translations (English, Russian, Farsi and Hebrew) on the website of the Israeli Ministry of Foreign Affairs ("the MFA"). The plaintiff could also apply to the IDF directly for documents identified on the MFA site, but no longer available there. In addition, there are other non-governmental sources for this information, which include Kokhaviv Publications (www.kokhavivpublications.com), and the documentary appendices to Ronen Bergman's book, *Authority Granted: Corruption and Terrorism in the Palestinian Authority*, (Vehareshu Netunah 2002).

32. Second, another set of sources is found in the statements of Palestinians held in Israeli custody, their indictments, and/or court rulings. The IDF and the Israeli Security Agency have routinely been extremely effective at identifying and apprehending Palestinian suspects involved in terror or other attacks. These include not only suicide bombers or direct perpetrators of attacks who were killed, but also those Palestinians involved in commanding, planning, equipping, training and instructing, transporting, and hiding them, many of whom survived and were taken into Israeli custody. Each and every one of them has been presented to a military or other Israeli court, and for each and every one of them there are written statements, indictments, and court rulings. These constitute primary documents, contain considerable information addressing the relationships, if any, between organizations and are available online on the MFA website or through requests made to Israeli authorities. An example of such a request is the PA's Letter Request of International Judicial Assistance to the Israeli Government [Case 1:04-cv-00397-GBD -RLE Dkt# 136, So Ordered 08/16/11]

33. Examples of these materials on the MFA website include the court rulings in

“State of Israel vs. Marwan Barghouti: Ruling by Judge Zvi Gurfinkel, District Court of Tel Aviv and Jaffa, Dec 12, 2002, and a report entitled “Senior Fateh Leaders Describe Arafat's Link to Terrorism Communicated by Israeli Security Sources), May 2, 2002.”

34. Third, as noted above, the IDF and the Israel Security Agency (formerly Shin Bet or the Shabak) have routinely been extremely effective at identifying and apprehending Palestinian suspects involved in terror or other attacks. Plaintiffs have already identified an individual named Ahmed Saleh as a perpetrator of one of the al-Aqsa attacks of which they complain and have submitted his indictment in support of their opposition to the BBC motion to quash. See Indictments from “The Military Prosecutor vs Ahmed Salah Ahmed Salah” (submitted by the Plaintiffs as 11-10-17 Dkt# 159-4 - Exhibit D to Plaintiff's Memo of Law in Support of Motion to Compel and In Opposition to Motion to Quash).” Mr. Saleh and any other of those arrested on charges of undertaking attacks or of being involved in commanding, planning, equipping, training and instructing, transporting, and/or hiding them may presumably be deposed and asked about whether al-Aqsa and Fateh or the PA or PLO are the same. Finally, litigants may also examine the Israel Security Agency's website on this matter, as it has its own assessment of the relationship between these institutions.

Comparative Assessment of Sources

35. It is also my professional opinion that the authority, reliability, and credibility of these examples alone exceed by a very wide margin that of the statements made to the BBC in its program “Arafat Investigated.” I acknowledge the importance of interviews generally, and indeed have conducted over 1,000 interviews as part of my own research and consultancy work (see publications list) and have also used interviews in my academic and professional career.

36. While interviews are important investigative techniques and are as much a part of

my academic research as they are a part of the BBC's newsgathering effort, they have their limitations as a method for researching and substantiating facts. They may tell more about an interviewee's perceptions than about the underlying facts they are disclosing, which must always be triangulated with primary sources and other interviews. It has become firmly established in all academic disciplines that interviews are shaped by factors innate to the subject ("the interviewee") and to the context of place and time. Such factors may include selective memory, general reliability (or lack thereof), the immediate intentions or longer-term expectations of the interviewee, his values, personal or social status, and a subjective sense that the manner in which he presents himself on this occasion may affect how he is subsequently regarded by others or placed in a collective historical narrative. This is especially true in a context of nationalist politics and armed conflict.

37. The statements made to the BBC must be viewed through the relationship between then Palestinian leader Yasser Arafat, the PA, PLO on the one hand, with either Fateh officials such as Abu Rumaileh or armed AMB militants such as Zubaidi. These relationships have routinely involved complex calculations and often proceeded through the mutual exercise of pressure.

38. For example, AMB militants used various means to pressure Arafat, the PA, or other senior officials in order to obtain an objective or demonstrate their strength, as occurred when they abducted temporarily the PA governor in Jenin under Zubaidi's leadership in July 2003. The militants also used public statements in a similarly manipulative manner. For instance, a report by the Intelligence and Terrorism Information Center (Israel) published on 19 March 2006, makes the point explicitly that Zakaria Zubaidi studiously avoided confirming that the AMB were receiving any material support from the Lebanese Hezbollah when questioned

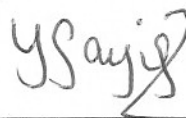
about this in an interview in 2004, but then confirmed the receipt of support in another interview in 2006, at a time when the AMB had an interest in promoting its own militant credentials in the face of the major gains made by Hamas. (SOURCE: http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/zakaria_zubeidi_e.pdf)

39. In contrast, primary documents and testimony enjoy a certain innate veracity. This is especially true of documents that are written for purely internal use within an organization or institution, with the expectation that they will not be seen outside that organization or institution and are not likely to be modified by selective memory, altered perceptions, or changing intentions.

40. In this specific case, the original documents contained in the above-mentioned alternative sources have far greater intrinsic value as sources of objective information than interviews. A large proportion of the original documents related to internal administrative matters, such as funding requests and responses. The factual information these documents provide is unaffected by subjective perceptions and intentions that likely inform the statements to the BBC, allowing a more reliable and credible assessment of such matters as chain of command and control. Furthermore, the sheer volume of the documentary sources means that patterns and relationships may be discerned and determined with great reliability, as the margin for error diminishes statistically.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Beirut, Lebanon on November 14, 2011.



Dr. Yezid Sayigh

APPENDIX A – Published Works of Dr. Yezid Sayigh

1. Provided below is a list of works that I have authored on Palestinian politics, military and security affairs, and organization (listed in chronological order, starting with the most recent) in my professional careers as an academic and as a practitioner and consultant.
 - a. “*We serve the people*”: *Hamas policing in Gaza*, Brandeis University: Crown Center for Middle East Studies (2011);
 - b. *Policing the People, Building the State: Authoritarian transformation in the West Bank and Gaza*, Washington D.C. and Beirut: Carnegie Middle East Center (2011);
 - c. “*Hamas Rule in Gaza: Three Years On*”, Middle East Brief, No. 41, Brandeis University: Crown Center for Middle East Studies (2010);
 - d. “*The West Bank & Gaza Strip*”, Working Paper commissioned for World Development Report 2011, World Bank (2010);
 - e. “*Fixing Broken Windows*”: *Security Sector Reform in Palestine, Lebanon, and Yemen*, Washington D.C. and Beirut: Carnegie Middle East Center, No. 17, (2009);
 - f. *Security Sector Reform in the Arab Region: Challenges to Developing an Indigenous Agenda*, Paris: Arab Reform Initiative (2007);
 - g. “*Inducing a failed state in Palestine*”, *Survival*, London: International Institute for Strategic Studies, 49:3 (2007);
 - h. “*Hamas coup in Gaza*”, *Strategic Comments*, London: International Institute for Strategic Studies, 13:5 (2007);
 - i. “*Governing Palestine: internal struggle, external coercion*”, *Strategic Comments*, London: International Institute for Strategic Studies, 12:2 (2006);
 - j. “*Changing Dynamics in Palestinian Politics*”, *The International Spectator*, Rome:

- Istituto Affari Internazionali, No. 2 (2006);
- k. “Putting the Israeli-Palestinian Peace Process Back on Track”, in Ivo Daalder and Philip Gordon (eds), *The Crescent of Crisis: U.S.-European Strategy for the Greater Middle East*, Brookings Institution Press and The EU Institute for Security Studies (2006);
 - l. “Closing window of opportunity for the two-state solution?”, *The Arab World Geographer*, 8:3 (2005);
 - m. “A Sisyphean Task: Putting the Israeli-Palestinian Peace Process Back on Track”, *The International Spectator*, Rome: Istituto Affari Internazionali, No. 4 (2004);
 - n. “The Palestinian Strategic Impasse”, *Survival*, London: International Institute for Strategic Studies, 44:4 (2002-03);
 - o. “The Palestinian Paradox: statehood, security, and institutional reform”, *Journal of Conflict, Security & Development*, London, No. 1 (2001);
 - p. “Security-sector reform”, *The Conflict, Security & Development Group Bulletin*, London, No. 8 (2001);
 - q. “Arafat and the Anatomy of a Revolt”, *Survival*, London: International Institute for Strategic Studies, 43:3 (2001);
 - r. “Palestine’s Prospects”, *Survival*, London: International Institute for Strategic Studies, 42:4 (2000-01);
 - s. “War as Leveller, War as Midwife: Palestinian Political Institutions, Nationalism, and Society since 1948”, in Steve Heydeman (ed.), *War, Institutions, and Social Change in the Middle East*, Berkeley: University of California Press (2000);
 - t. *Report of the Independent Task Force on Strengthening Palestinian Public*

- Institutions*, New York: Council on Foreign Relations (1999);
- u. “A Non-State Actor as Coercer and Coerced: The PLO in Lebanon, 1969-1976”, in Lawrence Freedman (ed.), *Strategic Coercion*, Oxford: Oxford University Press (1998);
 - v. “Escalation or Containment? Egypt and the Palestine Liberation Army, 1964-1967”, *International Journal of Middle Eastern Studies*, 30:1 (1998);
 - w. “The Palestinian Armed Struggle and State-Building”, in Moshe Ma’oz and Avram Sela (eds), *The PLO and Israel: From Conflict to Peace, 1964-1994*, New York: St Martin’s Press (1998);
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APPENDIX B

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'Marching toward total ruin'

Not long ago, he headed the Al-Aqsa brigades in Jenin and was wanted by Israel. Today, Zakariya Zubeidi has put down his arms, but he does not foresee a peaceful future. The Palestinian people, he declares, 'is finished.'

By Avi Issacharoff

Tags: [Jenin](#)

JENIN - "When you see Zakariya, maybe you'll be surprised, but he looks like just any other Palestinian man now. Without armed men, without a weapon, just an ordinary guy," related an acquaintance of Zakariya Zubeidi, until not long ago the commander of the Al-Aqsa Martyrs' Brigades in Jenin.

Though Zubeidi is no longer hiding from the Israel Defense Forces, for a number of hours the people at the theater where he works tried to find him. Zubeidi didn't answer his mobile phone even when the commander of the Palestinian security forces in Jenin, Suleiman Umran, called him. In the end, a woman who works at the theater explained that he usually sleeps late and maybe that's what he was doing.

In the past, Zubeidi used to show up briefly at his house, in the Jenin refugee camp, together with his wanted colleagues, before disappearing for fear that Israelis would ambush him. The only reminder of those days are the framed pictures of the "martyrs" killed recently in the camp, and the huge poster of Saddam Hussein posted in one of the alleys leading to Zubeidi's home. The door is opened by his son Mohammed, who immediately summons his father. He comes down in sandals and a black T-shirt, and promises that in a few minutes he will come to the theater offices. Zubeidi arrives in his officer's "battle" jacket and mountaineering shoes, but without a weapon and without his erstwhile colleagues from the brigades.

What are you doing these days?

Zubeidi: "Nothing special. We've shut down the Al-Aqsa brigades and I haven't yet received a full pardon from Israel. I'm at home a bit, at the theater a bit."

Why haven't you received a pardon?

"They lied to us, Israel and the Palestinian Authority. The PA promised us that after we spent three months in PA facilities and if we didn't get involved in actions, we would receive a pardon. The three months ended and nothing happened. We still need to sleep at the headquarters of the security organizations. They promised us jobs and they haven't materialized either. Some of us are getting a salary of NIS 1,050 a month. What can you do with that? Buy Bamba for your children? They lied to everyone, they made a distinction between those who were really in the Al-Aqsa Brigades, whom they screwed, and groups that called themselves by that name, but in fact were working on behalf of the PA."

So why have you stopped?

"In part because of the conflict between Fatah and Hamas. Look, it's perfectly clear to me that we won't be able to defeat Israel. My aim was for us, by means of the 'resistance' [code for terror attacks], to get a message out to the world. Back in Abu Amar's day [the nom de guerre of Yasser Arafat], we had a plan, there was a strategy, and we would carry his orders."

In effect, are you saying what Amos Gilad and intelligence always said, that Arafat planned everything?

"Right. Everything that was done in the intifada was done according to Arafat's instructions, but he didn't need to tell us the things explicitly. We understood his message."

And today there is no leadership?

"Today I can say explicitly: We failed entirely in the intifada. We haven't seen any benefit or positive result from it. We achieved nothing. It's a crushing failure. We failed at the political level - we didn't succeed in translating the military actions into political achievements. The current leadership does not want armed actions, and since the death of Abu Amar, there's no one who is capable of using our actions to bring about such achievements. When Abu Amar died, the armed intifada died with him."

What happened? Why did it die?

"Why? Because our politicians are whores. Our leadership is garbage. Look at Ruhi Fatouh, who was president of the PA for 60 days, as Yasser Arafat's replacement. He smuggled mobile phones. Do you understand? We have been defeated. The political splits and schisms have destroyed us not only politically - they have destroyed our national identity. Today there is no Palestinian identity. Go up to anyone in the street and ask him, 'Who are you?' He'll answer you, 'I'm a Fatah activist,' 'I'm a Hamas activist,' or an activist of some other organization, but he won't say to you, 'I am a Palestinian.' Every organization flies its own flag, but no one is raising the flag of Palestine."

Are you, who used to be a symbol of the intifada, saying, "We have been defeated, we have failed, the intifada is dead?"

"Even Gamal Abdel Nasser admitted his defeat, so why not me? Come on, I'll tell you something. On Saturday there was a ceremony to mark the killing of one of our martyrs. They asked me to say a few words. What could I say? I can no longer promise that we will follow in the martyr's footsteps, as is customary, because I would be lying. So then one of the heads of Fatah came over to me and said, 'We are following in the footsteps of the martyrs, we are continuing the resistance.' And I told him that he is a liar.

"I feel that they have abandoned us, the Al-Aqsa activists. They have left us behind and forgotten us. We are marching in the direction

of nowhere, toward total ruin. The Palestinian people is finished. Done for. Hamas comes on the air on its television station and says 'Fatah is a traitor.' That is to say, 40 percent of the nation are traitors. And then Fatah does the same thing and you already have 80 percent traitors."

Is that why you are at home?

"I got tired. When you lose, what can you do? We, the activists, paid the heavy price. We've had family members killed, friends. They demolished our homes and we have no way of earning a living. And what is the result? Zero. Simply zero. And when that's the result, you don't want to be a part of it any more. Lots of other people, as a result of the frustration, and because Fatah doesn't have a military wing any more, have joined the Islamic Jihad. Those activists are still willing to pay the price.

"And look at what the PA does to those who are keeping at it. If a PA person is killed in a battle with the Israelis, the stipend paid to his family will amount to NIS 250 a month, even though he had been earning about NIS 2,000. Why? So that he won't even think about carrying out terror attacks. This is the only plan that the PA has these days: Israeli security. The security of the occupation before the security of [Palestinian] citizens.

"When an occupation jeep comes into a refugee camp, the PA doesn't do anything, and if someone shoots at the jeep, they'll go and arrest him immediately. Today the president of the Palestinian people is General Dayton [Keith Dayton, the U.S. security coordinator]. They're all working for him, he is the boss. A PA no longer exists."

Forecast: war

Zubeidi relates that for him, the theater is a refuge from the bleak political reality that the Palestinians are facing. "Here there's no politics, no religion. I still feel free here." From time to time he talks with Tali Fahima [the Israeli woman who spent time in prison for her contacts with Zubeidi], and Jewish friends come to visit him at the theater. As to the future of the region, Zubeidi's forecast is very grim.

"Abu Mazen's mistake," he says, referring to PA President Mahmoud Abbas, "is that he is gambling everything on the negotiations. And what happens if the talks fail? What is his plan then? I'm telling you that if by the end of 2008 a Palestinian state isn't established, there is going to be a war here. Not against Israel, or between Hamas and Fatah, but against the PA. The citizens are going to throw the PA out of here. Today the PA is doing what Dayton and Israel are telling it to do, but at the end of the year, when Israel doesn't give the Palestinians a state, the PA is going to be thrown out. There's going to be an all-out war here, for control of the West Bank."

Zubeidi is not the only one who's feeling pessimistic about the future of the PA. Similar remarks can be heard everywhere in the West Bank these days. Senior American and Israeli officials who have spoken recently with Palestinian Prime Minister Salam Fayyad are saying that his despair is obvious. Some of Fayyad's bitterness derives from Israel's scornful attitude toward the PA. However, it appears that Fayyad is frustrated to the same extent by the endless conflict with Fatah people, who urge him to appoint cabinet ministers from their movement and at the same time are lying in wait for him to fail.

Some of the criticism of Fayyad's government, which has no Fatah people, is justified. The Palestinian prime minister, his many successes notwithstanding, is by no means a miracle worker, nor can he by himself change the face of the reality. The group of cabinet ministers he has appointed are considered technocrats, for better or worse, and they are not succeeding in implementing a substantial change in the government sector.

The heads of the Tanzim, the senior Fatah people who were supposed to have become the organization's leaders of the future, are also making little effort to conceal their despair. They watch as their movement marches toward annihilation: without real reforms, without substantive change, but with endless talk about elections in Fatah and a war on corruption. Even the heads of some of the security organizations are critical of the stuttering actions of the PA against Hamas and the Islamic Jihad in the West Bank. And while Hamas indirectly conducts indirect negotiations with Israel on a cease-fire, the PA, as Zubeidi says, has "zero achievements" to show: limping negotiations, Israeli unwillingness to help, corruption and the absence of reforms. In the view of some Tanzim people, the PA is on a sure path to disintegration. Not in a swift and sharp way, but rather in a prolonged process, at the end of which it will disappear from the West Bank and will be replaced by the Israeli occupation and Hamas. Nearly the only scenario that could change the face of things is, of course, a political agreement or a framework agreement between the PA and Israel. But who can trust the Israelis?

This story is by:



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